

Serial No.: 10/047,827
Atty. Docket No.: D5110

REMARKS

By the Action the Examiner rejected claims 1-40 as obvious under 35 U.S.C. 103(a) over either Murgas (U.S. Pat. 3,395,883) in view of Rawlinson (U.S. Pat. 5,100,093) or the admitted prior art in view of Rawlinson.

No substantive amendment has been presented. Claims 1 and 18 have been amended to clarify that, where used, one ball and socket joint is provided between each "support member" and each "base-attachment structure". All of the claims remain active.

Applicants direct the following comments to the appropriateness of the combinations of the references and the character of the Rawlinson disclosure. Particular emphasis is laid on the element of claims 1 and 18 (the independent claims) requiring that "said base-attachment structures are each biaxially engaged to said base end of a respective one of said support components . . ." and on the effect of providing movable or floating hooks in the Murgas device.

The invention may be characterized as a tripod for supporting an exterior accessory for a vehicle, each of the tripod legs having a floating foot mounted at one end thereof allowing angling of the floating feet to squarely impinge against one of up to three supporting surfaces which may occur in a number of relative orientations. In addition to having floating feet, the direction of extension of the legs is adjustable to allow the footpads to be directed toward a supporting surface. The tripod is secured to the surfaces by screws extending between the bottoms of the feet into (or through) the supporting surfaces, typically in combination with a nut. The tripod is stabilized through securing the base-attachment structures at points of attachment that define an obvious triangle and locking joints of the structure other than the floating feet. The term "floating" is not used in the description or claims. Rather, the term used is "biaxially pivotally engaged" which is meant to refer to two axes of rotation for the feet other than an axis coincident with the foot's center axis of symmetry. In other words, the feet are free to rock on

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the ends of the support members, that is, the legs of the tripod.

Rawlinson teaches three ball and socket support arrangements for a rear mirror view mirror which is supported at each of two ends from a windshield frame and which is adapted to fold downwardly when not in use for transport. The first of these "ball and socket" embodiments is shown in Fig. 5 of the patent, wherein a support leg (ball socket member) 55 is attached to a clamp 51 by use of a cap screw (not shown) through a counter bored clearance hole 53 through the clamp and a slot 57 through the support leg. The clamp (corresponding to the base-attachment structure of the present application) and the ball socket member (corresponding to the support member) are not engaged to one another by the ball and socket joint but rather by a screw to be introduced through the clamp into the ball socket member. See generally, col. 5, lines 4-35 of the '093 patent. Slot 57 allows the supported structure to be folded downwardly. Use of a ball seems to be regarded as necessary to allow the clamp to rotate on an axis corresponding to the direction of elongation of the ball socket member in a fashion similar to that indicated with reference to a preferred embodiment of the Rawlinson apparatus described with reference to Fig. 3. See the arrow identified with reference numeral 46. Such an adaptation allows handling windshields having angled sections. See Fig. 16. It may be noted that once a screw is introduced, movement of the clamp relative to the ball socket member is limited to rotation on this axis of the screw and folding on a single axis. The movement is not biaxial, as the term is used in the present application.

A second embodiment of a ball and socket arrangement is described by Rawlinson with reference to Figs. 6 and 7 and a related third embodiment is described with reference to Figs. 8-10. For these embodiments the ball element is described as "... a partial ball having a threaded counter shank 61." This structure is screwed into a clamp 63. "A ball socket member has a cylindrical ball socket that is adapted to slide down over the ball. The ball socket member is provided with a split that permits a clamping action on the ball." See '093 patent, col. 5, lines 38-47. Here it is submitted that engagement does not occur until a screw is used to clamp the

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socket on to the ball since the supported structure is free to move up and down. Once engagement is achieved there is no biaxial freedom of movement.

Turning to the combination of the Rawlinson and Murgas references, it appears that the modification of Murgas to incorporate a ball and socket coupling between the "hood feet 36" or "fender foot 34" and the tube 16, brace 20 or leg 28 has the potential of rendering the apparatus taught by Murgas inoperable. Murgas states that "[i]n order to maintain the fender foot 34 and hood feet 36 in fender gripping position, a Y-shaped clamping rubber 40 . . . has each of the outer ends of its legs secured [by rivets 23, 42] to such feet . . . all of which also secure these feet to the tripodal mounting 14." See '883 patent, col. 2, lines 39-44. Were hood feet 34 attached to their respective legs using a floating or pliable means of attachment they would be free to rotate upwardly from the fender (see Fig. 3 of the '883 patent), particularly if the hood were opened. Rotation would be urged under tension of the clamping rubber. Murgas depends upon externally applied force to keep the attachment feet properly located, which is undercut if the feet have no fixed orientation with respect to the elements of the tripod structure. While Murgas intended his device to be readily detachable (unlike the present invention, compare Murgas, col. 1, lines 22-40 with the specification at [0002]), it is unlikely that Murgas intended his device to be self detaching.

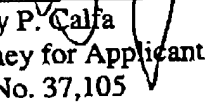
It is further submitted that Rawlinson does not provide a teaching that would suggest combination of ball and socket joint with the tripod arrangement illustrated in Fig. 3 (labeled prior art) of the present application. Rawlinson states that "[o]ne of the features of [the mounting arrangement shown in Fig. 5, '093 patent] is that it permits the mirror to pivot up for use and back down for covering and trailering of the boat. There is no teaching that were the ball and socket attachments used at the ends of the legs of a tripod, and the floating feet then secured to the support structures, the tripod itself would be stabilized.

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Applicant believes the Claims as amended are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,

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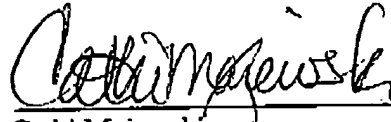
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CERTIFICATE OF TRANSMISSION UNDER MPEP 512

I hereby certify that this **RESPONSE AFTER FINAL** is being facsimile transmitted to the Patent and Trademark Office on or before January 12, 2004 to (703) 872-9306.

Date: January 12, 2004


Cathi Majewski